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PTO/SB/30 (09-04)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
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Application Number	09/695,154
Filing Date	October 24, 2000
First Named Inventor	Michiaki Yoneda
Group Art Unit	2134
Examiner Name	Jung, David Yiuk
Attorney Docket Number	450100-02792

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under CFR 1.114.** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☒ Other Statement
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(I) required)
- b. ☐ Other Certified English Translation of Japanese Application No. Hei-11-301871, filed October 25, 1999
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to **Deposit Account No. 50-0320.**
- b. ☒ Checks in the amount of **\$790.00 and \$450.00** are enclosed for the following:
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Thomas F. Presson</i>	Date	June 27, 2005
Name (Print/Type)	Thomas F. Presson	Registration No.	41,442

CERTIFICATE OF MAILING OR TRANSMISSION

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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) and application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.1 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the complete provisional application to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Michiaki Yoneda
Serial No. : 09/695,154
Filed : October 24, 2000
For : INFORMATION RECORDING MEDIUM REPRODUCING
METHOD, INFORMATION RECORDING MEDIUM,
REPRODUCING APPARATUS AND INFORMATION
MEDIUM MANAGING METHOD
Examiner : Jung, David Yiuk
Art Unit : 2134
Confirmation No: 3305

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Date of Deposit: June 27, 2005

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STATEMENT BY APPLICANT'S ATTORNEY ACCOMPANYING RESPONSE
SUBMITTED WITH REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to an Advisory Action mailed May 5, 2005, Applicant's
undersigned attorney hereby states that pending claims 1, 3, 4, 6, 7 and 9-13 were rejected
under 35 U.S.C. §103(a) as allegedly unpatentable over

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www.microsoft.com/windows/windowsmedia/WM7/DRM/FAQ.aspx (hereinafter, “DRM”).

Applicant’s attorney respectfully submits that DRM is not prior art. The Examiner relies on page 3 of DRM to teach the features of the present invention. Specifically, the Examiner relies on the section “How does Windows Media DRM work?” and, in particular, on the four paragraphs entitled “Packaging,” “Distribution,” “License Acquisition” and “Playing the media file.” The Examiner printed the content of DRM on March 18, 2004 as is evident from the bottom right-hand corner of the printout. Nevertheless, because page 2 of DRM states that Windows Media DRM was first shipped in April 1999, the Examiner erroneously concludes that all the latest features of Windows Media DRM were first presented in April 1999.

In order to dispute such claim, Applicant’s attorney accessed the website <http://web.archive.org> in order to determine whether or not the “Packaging,” “Distribution,” “License Acquisition” and “Playing the media file” features were present in Windows Media during 1999.

Based on information and belief, it is Applicant’s attorney understanding that the website <http://web.archive.org> is run by a public nonprofit organization that was founded to build an Internet library, with the purpose of offering permanent access for researchers, historians and scholars to historical collections that exist in digital format. One of the valuable resources that this site offers is an Internet archive of old versions of websites that can be accessed through the “Internet Archive Wayback Machine.” The Internet Archive Wayback Machine is a service that allows people to visit archived versions of old websites by typing in a Uniform Resource Locator (URL) and then

beginning to surf on an archived version of the Web.

A search was conducted by Applicant's attorney using the link <http://microsoft.com/windows/windowsmedia> in the search function of the website <http://web.archive.org>. The results of the search were attached for the Examiner's reference with the Response submitted on March 31, 2005 in response to the Final Office Action dated January 26, 2005 for the above-captioned application.

The search results for the time period between January 1, 1996 and March 29, 2005 reveal 90 updates of the website relating to Windows Media content. Specifically, 6 updates were performed in 1999, 21 updates were performed in 2000, 17 updates were performed in 2001, 35 updates were performed in 2002, 9 updates were performed in 2003 and 2 updates were performed in 2004. These are all website updates that were performed by Microsoft. The present application was filed on October 24 2000. The priority date of the present application is October 25, 1999. Therefore, the dates of interest are the 6 dates in 1999 (i.e., Feb 25, 1999, Apr 17, 1999, Apr 29, 1999, May 8, 1999, Oct 12, 1999 and Nov 17, 1999).

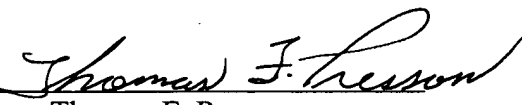
Applicant's attorney printed out the 6 Microsoft websites (as were posted on the Internet in 1999) pertaining to the Windows Media content. Each of these 6 websites was attached with the Response filed March 31, 2005. After reviewing the content pertaining to the Windows Media, Applicant's attorney could not conclude that "Packaging," "Distribution," "License Acquisition" and "Playing the media file" features were present during 1999. In fact, based on the search results, Applicant's attorney contends that the initial features of Windows Media were not disclosed until the May 8, 1999 update of the Microsoft website. The initial features related to Windows Media in

1999 were printed and were also attached for the Examiner's reference with the Response submitted March 31, 2005.

Applicant's attorney states that the features related to Windows Media in 1999 include "Superior Audio Quality," "Windows Media On-Demand Producer," "Intelligent Streaming," "Advanced Compression Technologies," "PowerPoint 2000 Integration," "Easy Internet Radio Distribution," "Add-Ons," "Rights Management" and "Pay Per View." Applicant's attorney examined the content of each of these links (also attached to the response submitted March 31, 2005) and found no teaching or suggestion of the features presented in the present pending claims. As a result, it is Applicant's attorney's belief that in 1999, the DRM document did not include any features pertaining to "Packaging," "Distribution," "License Acquisition" and "Playing the media file." Consequently, it is improper to assume that all the latest features of Windows Media DRM were first presented in April 1999, since that is the first date of shipment of such product.

Respectfully submitted,

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